

OFFICIAL COPY

Fresno, California

January 11, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

| | | |
|----------|------------------|--------------------------|
| Present: | Tom Boyajian | Councilmember |
| | Brian Calhoun | Councilmember |
| | Jerry Duncan | Acting Council President |
| | Henry Perea | Councilmember |
| | Cynthia Sterling | Councilmember |
| | Larry Westerlund | Councilmember |
| | Mike Dages | Council President |

Dan Hobbs, City Manager
 Andy Souza, Assistant City Manager
 Hilda Cantu Montoy, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Laurence Hill gave the invocation, and Councilmember Boyajian led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER BOYAJIAN

Cancelled.

APPROVE MINUTES:

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of January 4, 2005, hereby approved, *as amended*, on Page 145-7, first vote at the top of the page relating to Item 1-P, showing President Dages voting "No" instead of "Aye".

COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION TO CITY EMPLOYEES FOR THEIR AVAILABILITY AND WORK OVER THE WEEKEND DURING THE BAD WEATHER - COUNCILMEMBER DUNCAN

Commendation made.

REPORT ON MEETING TO CONSIDER APPLICATIONS SUBMITTED FOR THE ZOO BOARD - COUNCILMEMBERS BOYAJIAN AND STERLING

Councilmember Boyajian stated the meeting was a good one, thanked Councilmember Sterling and her assistant, Councilmember Perea's assistant, and his assistant for going through the applications that were received, stated good criteria was developed and the applications were narrowed down to 12 and the top six would be selected, and thanked everyone that applied. Councilmember Sterling added thirty applications were submitted, the process worked fairly, and stated Council will be surprised at the quality of people who applied and the recommendations that would be made.

COMMENDATION TO EMPLOYEES WHO ARE VAN-POOLING - COUNCILMEMBER CALHOUN

Commendation made with Councilmember Calhoun also thanking staff for organizing the van-pool and added he hoped to see more employees sign up as the city leads the way to getting cars off the road.

FURTHER COMMENDATION TO STAFF FOR THEIR WORK DURING THE BAD WEATHER AND BEING PRO-ACTIVE IN ADDRESSING PROBLEMS - COUNCILMEMBERS WESTERLUND AND STERLING

Commendation made.

REITERATION OF REQUEST FOR STATUS REPORT ON IMPACT FEES - COUNCILMEMBER STERLING

Request made with Councilmember Sterling stating she wanted a report as the fees would impact development in her district.

CREATION OF "POINT OF CLARIFICATION" VERSUS "POINT OF ORDER" DURING COUNCIL MEETINGS - PRESIDENT DAGES

President Dages stated he wanted a "point of clarification" created so a person could be interrupted and a clarification made, with City Attorney Montoy stating that could be done.

CONCERN WITH CONTINUED LACK OF CLEAN-UP/MAINTENANCE OF KINGS CANYON MEDIAN ISLAND - PRESIDENT DAGES

President Dages noted the Kings Canyon landscaping problem made the front page of the Fresno Bee and added a memo from public works stated the clean up was going to occur last October, and asked staff to address the issue, with Public Works Director Healey responding.

APPROVE AGENDA:

(10:30 A.M.) CONTINUED HEARING TO CONSIDER THE VACATION OF A PORTION OF N. MARKS AVENUE SOUTH OF FREEWAY 99, AND AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO EXECUTE QUITCLAIM DEEDS SO THAT FEE TITLE TO THE VACATED AREAS SHALL PASS TO CENTRAL VALLEY RV OUTLET

1. RESOLUTION - ORDERING THE VACATION AND AUTHORIZING THE EXECUTION OF QUITCLAIM DEEDS TO PASS FEE TITLE TO CENTRAL VALLEY RV OUTLET

At the request of the applicant and staff the above hearing was continued to January 25, 2005, at 10:15 a.m.

On motion of Councilmember Westerlund, seconded by President Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | None |
| Absent : | None |

ADOPT CONSENT CALENDAR:

Councilmember Calhoun pulled items **1-G** and **1-I** from the consent calendar for later discussion, *and relative to Item **1-H** stated he supported funding for the Council President but he was against the Executive Analyst budget being funded.

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-A** and homeowner complaints; to Item **1-H** stating the funds should come from the general fund and not the Council budget; and to Item **1-I** and discrimination stating everyone had rights.

(1-A) RESOLUTION NO. 2005-9 - INTENTION TO ANNEX FINAL TRACT NO. 4544 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 89, AND SETTING THE PUBLIC HEARING FOR FEBRUARY 15, 2005, AT 10:10 A.M.

145-12

1/11/05

(1-B) RESOLUTION NO. 2005-10 - INTENT TO ANNEX FINAL TRACT NO. 5259 TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 87, AND SETTING THE PUBLIC HEARING FOR FEBRUARY 15, 2005, AT 10:05 A.M.

(1-C) RESOLUTION NO. 2005-11 - INTENT TO ANNEX FINAL TRACT NO. 5265 TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 86, AND SETTING THE PUBLIC HEARING FOR FEBRUARY 15, 2005, AT 10:00 A.M.

(1-D) RESOLUTION NO. 2005-12 - AUTHORIZING SUBMITTAL OF AN APPLICATION TO ACQUIRE SURPLUS FEDERAL PROPERTY THROUGH THE U.S. DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE, PROPERTY LOCATED AT 2021 S. PEACH AVENUE SOUTH OF BUTLER

1. AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR, OR DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO, APPLICATIONS, AGREEMENTS, AND AMENDMENTS WHICH MAY BE NECESSARY TO CARRY OUT THE PURPOSE SPECIFIED IN THE APPLICATION AND THE PROJECT, ALL SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

(1-E) ADOPT A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA), UNIT 13, COVERING THE PERIOD JULY 1, 2004, THROUGH JUNE 30, 2005

(1-F) RESOLUTION NO. 2005-13 - APPROVE APPLICATION FOR AND ACCEPTANCE OF HOMELAND SECURITY GRANT AWARD FOR \$40,500 FROM THE STATE OFFICE OF EMERGENCY SERVICES (OES), THROUGH THE COUNTY OF FRESNO, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

1. RESOLUTION NO. 2005-14 - 55TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$40,500 FROM THE HOMELAND SECURITY GRANT TO THE FIRE DEPARTMENT TO PROVIDE HAZARDOUS MATERIALS TECHNICIAN TRAINING

(1-H) RESOLUTION NO. 2005-15 - APPROVING THE TRANSFER OF CONTINGENCY APPROPRIATIONS FROM THE COUNCIL SUPPORT BUDGET TO THE COUNCIL DISTRICT 5 BUDGET FOR THE DUTIES OF THE COUNCIL PRESIDENT AND EXECUTIVE ANALYST TO THE COUNCIL

(Second resolution to item follows vote)

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** items hereby adopted, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | None |
| Absent : | None |

(1-H-1) RESOLUTION NO. 2005-16 - 14TH AMENDMENT TO PAR 2004-210 TO REALLOCATE THE EXECUTIVE ANALYST POSITION FROM COUNCIL DISTRICT 4 OFFICE TO COUNCIL DISTRICT 5 OFFICE

(Second resolution to Item 1-H)

At the beginning of the Consent Calendar, Councilmember Calhoun stated he supported funding the Council President but he was against the Executive Analyst budget being funded.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-16 hereby adopted, by the following vote:

| | |
|----------|--|
| Ayes : | Boyajian, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | Calhoun |
| Absent : | None |

(2-A) APPROVE APPOINTMENT OF A MEMBER REPRESENTING THE CITY OF FRESNO ON THE FRESNO COUNTY TRANSPORTATION AUTHORITY

President Dages noted Councilmember Duncan submitted a written request to serve on the Transportation Authority and made a motion to appoint him, which motion was seconded by Councilmember Calhoun.

145-13

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Councilmember Sterling pointed out Councilmember Perea previously requested he be reappointed, questioned if his request was going to be considered and how the matter of council members serving on other boards/authorities/commissions was going to be handled if Council wanted to rotate members, and spoke to the boards/commissions she currently serves on and wants to remain on. President Dages stated the rotation cycle for was the Council President and Acting President positions and not boards/commission; stated a member could continue to serve until he/she takes themselves off or Council votes them off; and recommended an item be placed on the agenda if Council wants to rotate members to boards and commissions. City Attorney Montoy clarified the initial request for an appointment came from the Transportation Authority, Councilmember Perea stated he wanted to remain on the Authority, and the item was rolled over and was now scheduled for consideration. Upon question of President Dages, Councilmember Perea stated he was still interested in serving. Councilmember Boyajian further clarified the matter was rolled over so the new council member could be involved in the vote, spoke briefly to how some members formed/organized committees to address specific issues because they saw a need, and stated he was against rotating board appointments due to the expertise of members serving. Councilmember Duncan noted there were numerous boards that members served on and suggested a master list be put together and see if an existing member wished to move on to something else, stated after serving for three years on the EDC he willingly stepped down because he felt it was important for other members to get that exposure, and stated he hoped council members would look at these opportunities to get involved and serve but also let other members have the experience which makes for better council people and better policy decisions.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun stated although he seconded the motion he supported reviewing a list first. Councilmember Sterling made a motion to table the matter to review the list and to also have Councilmember Perea's written request included in the material noting he submitted it as an agenda item in December and it was not included in the material this date.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, Item 2-A tabled for two weeks to review a list of the various boards/commissions that Council members serve on, by the following vote:

| | |
|----------|---------------------------------|
| Ayes : | Calhoun Duncan, Perea, Sterling |
| Noes : | Boyajian, Westerlund, Dages |
| Absent : | None |

(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION:

President Dages advised he received a request from Local 39 representative Marina Magdaleno to speak after 5:00 p.m. as she was unable to be present this morning. Brief discussion ensued and by Council consensus it was determined only one representative would be allowed to speak after 5:00 p.m. for three minutes. Councilmember Calhoun noted negotiations with the union were currently going on and stated if the representative wanted to discuss the insurance and medical issues he would address them as well.

Barbara Hunt spoke to the police department personnel/investigation issue **(2 - 0)** stating people were innocent until proven guilty.

(3-A) BILL NO. B-141 - ORDINANCE NO. 2005-4 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO UTILIZATION OF APPRENTICES BY CONTRACTORS ON CERTAIN PUBLIC WORKS IMPROVEMENT PROJECTS, AS AMENDED, RAISING THE CONTRACT THRESHOLD FROM \$250,000 TO \$500,000

Councilmember Dages gave an overview of the history of the issue, noted jobs and the double digit jobless rate is talked about a lot and he wanted to see the city put their money where their mouth was, stated it was vitally important for apprentices to be on city jobs and trained adding it was less expensive than hiring a journeyman, and stated some people had the uncanny ability to be a carpenter, cement finisher, etc., and not the ability to be stockbroker, computer tech, etc., and requested Council's support.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Councilmember Calhoun spoke to the issue and to his concerns the last time the matter was considered, stated the delay gave him

an opportunity to meet and talk further with staff on issues and concerns, and stated he was now prepared to support this and added the cost associated with this for staff monitoring was reasonable. A motion and second was made to adopt the ordinance.

145-14

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Councilmember Duncan acknowledged everyone was concerned about the unemployment rate and presented questions relative to what the difference would be if this ordinance passed, the monitoring process/how paperwork would be organized, how many more jobs would be created with the \$60,000 cost it will take to implement the ordinance, and if this would be another step to enforce existing state law, with Assistant City Manager Ruiz responding. Councilmember Duncan urged Council to not support the ordinance stating ordinances were for clearly defined problems and there was no justification for this one and it was not needed and elaborated.

Construction Manager Banuelos and City Attorney Montoy responded to numerous questions of Councilmember Westerlund relative to current monitoring, if language requiring use of apprentices was lacking in city contracts, number of contracts falling into the \$250,000 range, availability/unavailability of apprentices, existing law and if this ordinance was a misnomer, and if this ordinance would make labor code language more specific. Councilmember Westerlund recommended the contract threshold amount be raised from \$250,000 to \$500,000 to narrow the universe of contracts to be monitored and decrease the burden on staff, which amendment was accepted by the motion-makers.

On motion of President Dages, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled Bill No. B-141 adopted as Ordinance No. 2005-4, as amended, *raising the contract threshold from \$250,000 to \$500,000*, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages |
| Noes : | Duncan |
| Absent : | None |

(3-B) CONSIDERATION OF COMPENSATION FOR ELECTIVE OFFICERS

1. BILL FOR INTRODUCTION - REPEALING ORDINANCE NO 2000-49, ADDING A ONE-TIME \$10,000 INCREASE TO THE COMPENSATION OF COUNCILMEMBERS AND THE MAYOR, AND ADOPTING THE CONSUMER PRICE INDEX (CPI) FOR MAKING BIENNIAL ADJUSTMENTS - **ALTERNATIVE "A" (FAILED ADOPTION)**

2. BILL FOR INTRODUCTION - REPEALING ORDINANCE NO. 2000-49, ADDING A ONE TIME \$10,000 INCREASE TO THE COMPENSATION OF COUNCILMEMBERS, AND ADOPTING THE CPI FOR MAKING BIENNIAL ADJUSTMENTS TO THE COMPENSATION OF ELECTIVE OFFICERS - **ALTERNATIVE "B" (NOT ADOPTED)**

3. BILL FOR INTRODUCTION - AMENDING SECTION 5 OF ORDINANCE NO. 2000-49 BY ADOPTING THE CPI AS THE METHOD FOR MAKING BIENNIAL ADJUSTMENTS TO THE COMPENSATION FOR ELECTIVE OFFICERS - **ALTERNATIVE "C" (FAILED ADOPTION)**

Councilmember Boyajian reviewed the history of the matter, stated at issue was the professionalism/independence/self-esteem and fitness of the city council and opening the door to more people, clarified an increase would not become effective until 2007 and there had not been an increase since 2000, stated he thought a mechanism was put in place which would have eliminated the need to come back before council but that did not happen, spoke to a salary comparison he made with other cities and the city's department heads and management staff, and clarified he brought forth and was supportive of the Consumer Price Index (CPI) mechanism (alternative "C") and was also supportive of the \$10,000 increase along with the CPI as brought up by Councilmember Calhoun (alternative "A").

Councilmember Calhoun stated he concurred with Councilmember Boyajian and commended him on the matter, stated it was time and up to this Council to recognize the bigger picture and think about future councils and mayors, stated the Board of Supervisors have no more responsibility than the city council yet they are paid twice what council members are paid, and explained the three alternatives before Council and made a motion to introduce Alternative "A", which motion was seconded and later acted upon.

Barbara Hunt, 2475 S. Walnut, spoke in support of the increase **(3 - 0)** if the Council separates itself from the Redevelopment Agency board.

Councilmember Duncan spoke in opposition to the issue stating being on council was not a job but a service; stated city employees were being asked to make significant sacrifices and not take raises; advised his other concerns were the future impacts to the general fund with the possible end of Measure "C" (\$5 million) and contributions to fund the retirements systems (\$17 million); stressed raises should never be automatic (with the CPI) as that was not the way to go; and reiterated there were going to be challenges to be faced at levels the city has not seen before, he was strongly opposed, and stated if this were to pass he would ask the Mayor to veto the ordinance. Councilmember Perea stated he was also opposed for similar reasons but the main one was the message that would be sent to

employees who took no raise. Councilmember Westerlund added he could not support this due to Sacramento's situation and the uncertainty of the city's fiscal situation.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to introduce Alternative "A" failed, by the following vote:

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Ayes : Boyajian, Calhoun, Sterling
 Noes : Duncan, Perea, Westerlund, Dages
 Absent : None

A motion of Councilmember Boyajian, seconded by Councilmember Calhoun, to introduce Alternative "C" failed, by the following vote:

Ayes : Boyajian, Calhoun, Sterling
 Noes : Duncan, Perea, Westerlund, Dages
 Absent : None

RECESS - 10:17 A.M. - 10:26 A.M.

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-04-60 AND ENVIRONMENTAL FINDINGS, FILED BY DOUGLAS DUNBAR AND WALLACE BARTHULI, PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. NORTH AND S. ORANGE AVENUES IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-60/TPM-2003-33, DATED SEPTEMBER 17, 2004, THAT THE PROJECT PROPOSED CONFORMS TO THE PROVISIONS OF THE 2025 FRESNO GENERAL PLAN MASTER EIR

2. BILL NO. B-3 - ORDINANCE NO. 2005-5 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM M - 1 TO M - 3

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to boundary and jurisdictional issues.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling spoke in support stating this was a good project and she would make sure all necessary infrastructure goes in, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-04-60/TPM-2003-33, dated September 17, 2004, that the project proposal conforms to the provisions of the 2005 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-3 rezoning the subject property adopted as Ordinance No. 2005-5, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(3-C) DISCUSSION AND APPROVAL OF A DEDICATION PLAQUE FOR THE NEWLY RENOVATED HISTORIC SANTA FE DEPOT - COUNCILMEMBER STERLING

Councilmember Sterling noted she took the recommendations made last week and was now submitting for Council's consideration all names from when the decision was made to restore the depot, when the project was awarded, and when the depot would be dedicated in 2005, along with the names of key non-city officials that were involved, and clarified wording for the plaque was not at

issue--only the names to be listed on it--and requested Council's input

Councilmember Boyajian spoke to the issue and stated he supported "A", the names of the people who initially voted up or down, along with Congressman Costa. Councilmember Perea thanked Councilmember Sterling and stated he was excited about his name being on a plaque along with his Father's. A motion and second was made to approve the names.

145-16

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Councilmember Sterling noted February 12th was currently the date for the dedication but Congressman Costa would not be able to be present and advised she would get back to Council with a new date.

Barbara Hunt, 2475 S. Walnut, spoke in support of the issue, to the history of the SPRR company, and to the need recognize SPRR as being the first railroad in Fresno.

Project Manager Wood noted with the building being on the National Historic Register there were requirements as to where the plaque could be placed and staff was still working on that, and advised designer Johnson Architecture was stepping up and paying for the plaque.

Councilmember Westerlund thanked Councilmember Sterling for taking the lead on the project and stated the "heavy lifting" and decisions were made before he became a council member and although he appreciated the thought he did not feel his name should be on the plaque. Councilmember Sterling responded and stated for historic purposes she would not change her motion, with Councilmember Duncan concurring stating Council was a team.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the names submitted for recognition on the Santa Fe Depot dedication plaque hereby approved, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | None |
| Absent : | None |

(10:35 A.M.) DIRECT STAFF TO RETURN WITH AN IMPLEMENTATION PLAN TO COMPLETE THE EATON PLAZA MASTER PLAN WITHIN THE NEXT TWO YEARS INCLUDING A FUNDING STRATEGY - COUNCILMEMBERS CALHOUN AND STERLING

Councilmember Calhoun reviewed the history of Eaton Plaza, its master plan, needed funding and the proposal being presented, and stated Eaton Plaza was special and there was an opportunity to deliver on completing the Plaza in a shorter time frame by taking savings from the zoo due to the passage of Measure Z, all as outlined in the report to Council as submitted. Councilmember Sterling added this proposal was "out of the box" thinking and a great opportunity to move forward and get Eaton Plaza done in the next two to three years, spoke to the enhancements and benefits of completing the plan sooner, and stated she hoped the Mayor and Council would take this aggressive step and get this project done.

City Manager Hobbs acknowledged Eaton Plaza was a good and important project but he had to express a reservation about the process and his concern that this discussion was out of sync with the budget cycle; stated this was a potential \$7 million commitment, it would raise expectations, and it also talked about committing the future zoo dividend; from an administration perspective stated staff would be looking for Council to weigh this against other matters that would be coming forth later this year such as Chinatown and Forest City negotiations and keeping the general fund in balance with the challenges mentioned earlier in the meeting; and stated he would have been more comfortable if this discussion had taken place with everything on the table at the same time.

Assistant Parks & Recreation Director Haynes spoke to Phase One and the process that would be undertaken to fully build out this project, advised his staff would work closely with the finance and budget offices to identify potential funding options, and clarified at this time there were no options to put on the table and that was why staff wanted Council direction to begin the process of identifying which options to put into place.

Speaking in support of issue/funding for full build-out as soon as possible were: Architect James Oakes, 191 W. Shaw; Robert Dyer, Architect and City Planner; Kendall Simsarian, 1060 Fulton Mall, President of the Downtown Association; Barbara Hunt, 2475 S.

Walnut; William Donleavy, 2520 W. Stuart; Stephen Mensel, President, Fulton Mall PAC (**4 - 0**); Joyce Aiken, 3774 W. Buena Vista, who also spoke to a building being proposed in the plan that was not needed; Linda Zachrist, Fresno Arts Council and Downtown Fresno Coalition member, 2014 Tulare Street; Diana Stansell, 1000 Friends of Fresno, 4781 E. Gettysburg; Coke Hallowell, 19623 Rd. 211, Friant; and Frank Laury, 19425 Tollhouse Rd., Clovis.

145-17

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Councilmember Duncan stated he was very concerned when (1) he saw zoo savings being proposed for this and (2) those funds being proposed so soon after Measure Z's passage; stated future general fund revenues could not be committed by law and stated if there was such a thing as "excess revenue" -- which he did not believe there was -- city needs such as fire department, neighborhood and existing parks improvements should be looked at first for funding and Eaton Plaza needed to take its place and be debated in context of all those issues; stated the intent here was very noble but any potential zoo savings was not the answer to finishing Eaton Plaza and other options needed to continue to be looked at; and stated no motion was on the floor, he was not sure what direction was trying to be given here, and any action this date should be directed to the city manager to make this part of the budget strategy and come up with innovative funding ideas without hurting public safety and without keeping existing parks from being maintained.

Councilmember Calhoun stated he neglected to conclude his comments with a motion; thanked his staff and Councilmember Sterling and her staff for their work on the issue; relative to Councilmember Duncan's concern stressed the last thing he wanted to see zoo dollars going into were salaries or other parks and he wanted them to go towards serving constituents in a way that would be a direct benefit to them; spoke to the importance of delivering on the promise made many years back, stated city needs were being addressed and it was time now to think about Eaton Plaza and this was an appropriate use of those funds, and made a motion to request staff to go out, research, and return with a plan and funding mechanism; clarified this proposal by he and Councilmember Sterling was to put out to bring some ideas forward and added staff may find a better or more creative funding source as that was their job; and stressed this was not committing to moving zoo dollars to Eaton Plaza or to a time line in which to build out the park but was directing staff to be creative, do the things they are paid to do, and return with suggestions for Council consideration and action. The motion was seconded by Councilmember Sterling and later acted upon.

Councilmember Boyajian stated exploration was fine, advised there were many more issues he valued that were just as important as Eaton Plaza or more important and elaborated, and suggested staff look at grants. Councilmember Westerlund agreed this was a good proposal, stated he supported exploring all funding sources as he would like to see Eaton Plaza built out in a timely fashion, and added the limited resources and many things needing funds also had to be considered. Councilmember Perea stated it was appropriate and important to talk about future zoo savings stating the last thing he wanted to see were savings from Measure Z go into the abyss of the general fund as one never sees where the funds go from there; noted the Redevelopment Agency was created for projects such as Chinatown and Forest City and explained; stated looking at only one funding source to fix all the city's problems would be an impediment to progress and added these funds were in the parks department and should stay there; and stated Council should commit to more than studying the idea and strongly commit to fully building out Eaton Plaza no matter how it is done.

Councilmember Westerlund offered an amendment to the motion to direct staff to explore all potential funding sources and not just cost savings from zoo funding stating the report looked like it was headed in that direction, with Councilmember Calhoun stating that was not necessary, clarified the motion, and stated staff would return with options. President Dages stated it was his understanding the zoo proposal was submitted as example and for consideration and staff was now being asked to come up with something.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, staff directed to return to Council with an implementation plan to complete the Eaton Plaza Master Plan within the next two years to include a funding strategy, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages |
| Noes : | Duncan |
| Absent : | None |

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 11:33 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF DECEMBER 14, 2004, AND JANUARY 4, 2005

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of December 14, 2004, and January 4, 2005, approved as submitted.

("A") CONTINUED HEARING TO CONSIDER APPROVAL OF THE "FIVE YEAR REDEVELOPMENT IMPLEMENTATION PLAN" FOR THE AIRPORT AREA REVITALIZATION REDEVELOPMENT AREA, THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT AREA, THE SOUTH FRESNO INDUSTRIAL REDEVELOPMENT AREA, AND THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT AREA

145-18

1/11/05

1. AGENCY RESOLUTION NO. 1657 - APPROVING THE FIVE YEAR REDEVELOPMENT IMPLEMENTATION PLANS FOR THE FOUR REDEVELOPMENT AREAS

Chair Boyajian announced the time had arrived to consider the issue, opened the hearing, and advised this matter was continued to this date so Councilmember Westerlund could participate as the large Airport area was in his district.

Project Manager Freeman reviewed the issue as contained in the staff report as submitted and recommended approval with the minor change in the resolution relative to the effective and expiration dates due to the continuance.

Barbara Hunt, 2475 S. Walnut, spoke to the southwest Fresno area and other west Fresno areas not getting their fair share of redevelopment funds.

Upon call, no one else wished to be heard and Chair Boyajian closed the hearing.

A motion was made to approve staff's recommendation.

Interim Agency Director Murphey, City Manager Hobbs and Assistant City Manager Souza responded to questions and comments of Councilmember Calhoun relative to whether city staff had an opportunity to review this, if they were in support/agreement, if would be appropriate to postpone the matter so it can go through the Mayor/Council Economic Development Task Force, and cycles for the different redevelopment areas and if the Golden State/Freeway 99 Corridor would be brought forth later. Councilmember Sterling spoke in support **(5 - 0)** and requested staff schedule an agenda item/update on how the law requiring housing eliminated by development to be replaced in a certain period of time is affecting any redevelopment area in her district and compliance with that law. Ms. Murphey and Mr. Freeman responded to questions of Councilmember Westerlund and President Boyajian relative to whether the plans could be amended if it is determined another area should be included and adjustments/additions to housing target areas.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Agency Resolution No. 1657 hereby adopted, by the following vote:

| | |
|----------|---|
| Ayes : | Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian |
| Noes : | None |
| Absent : | None |

The joint bodies adjourned their meeting at 11:57 a.m. and the City Council reconvened in regular session. President Dages noted three Fresno Bee reporters, Jim Ellis, Don Coleman and Bill McEwen, were present and welcomed them.

LUNCH RECESS - 11:58 A.M. - 2:02 P.M.

(2:00 P.M. #1) CONTESTED CONSENT ITEMS:

(1-G) RESOLUTION NO. 2005-17 - AUTHORIZING A APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR THE LOCAL GOVERNMENT WASTE TIRE CLEAN-UP GRANT, AND DESIGNATING THE PLANNING AND DEVELOPMENT DIRECTOR TO SIGN NECESSARY DOCUMENTS ON BEHALF OF THE CITY

Councilmember Calhoun spoke to the problem of illegal tire dumping, thanked the State for the grant funds, and at his request Code Enforcement Manager Villa and Senior Neighborhood Services Specialist Miller spoke to the number of tires collected, progress being made with the problem, how the public is educated, enforcement efforts, progress made with tire companies, and where the State was in terms of offering incentives to people to take tires to collection centers. A motion and second was made to approve staff's recommendation. Mr. Villa and Ms. Miller responded additionally to questions of Councilmember Westerlund relative to illegal dumping by businesses and if staff was finding any trend/indicators of such, consequences for repeat offenders, and who prosecutes offenders.

145-19

1/11/05

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-17 hereby adopted, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | None |
| Absent : | None |

(1-I) RESOLUTION NO. 2005-18 - (RE) AFFIRMING THE NON-DISCRIMINATION POLICY OF THE CITY OF FRESNO TO THE FRESNO COUNTY TRANSPORTATION AUTHORITY (AS AMENDED, TO "REAFFIRM" THE POLICY)

Councilmember Calhoun stated after reading the report he did not understand the purpose/reason for this, questioned what was different, if the word "disabled" was not in the policy before and was now being added, who the MIG Group was, and if this matter was here at the request of the disabled community, with City Attorney Montoy and Assistant Public Works Director/ADA Coordinator Elam responding. Councilmember Calhoun stated he had a problem affirming something that was already in place, stated any other committee/group could come in and ask for this and that was unfair to Council, added it was not right of staff to ask Council to go above and beyond and affirm something that already exists, and stated the city attorney felt this was not needed, he was looking for a reason why this should be before Council, and he was almost prepared to make a motion to table the matter, or something to that effect, as he did not like being forced to vote on something that already existed. Councilmember Duncan stated he agreed 100% and would love to hear a motion to remove this item from the agenda; stated actions speak louder than words, he was a bit offended by what he was hearing and what Council was being asked to do, noted the city council made a major financial commitment to resolve some of the ADA issues that were ignored by many predecessors, and stated to affirm this commitment was inappropriate and put Council in a position where every group that thinks they are important will try to come and force Council to re-acknowledge the obvious; and stated he would second a motion to remove the item and requested staff not bring this type of thing before Council in the future. City Manager Hobbs and Mr. Elam clarified this item was brought forth because it was one of a series of recommendations made by the ADA Council and the consultant as part of the city's ADA program and transition plan.

Councilmember Sterling made a motion to adopt the resolution as recommended by staff, which was seconded by Councilmember Boyajian. Councilmember Westerlund stated it made sense to look at this as part of a larger effort, stated he would like to see where the city was at in implementing ADA policy and regulations and where it was headed, and suggested maybe the matter should be laid over for staff to report back on the bigger picture. Upon question, Councilmember Sterling stated that information was already presented to council last year and was available to Councilmember Westerlund and her motion stood.

A motion of Councilmember Calhoun, seconded by Councilmember Westerlund, to table the matter and direct staff to report back on all the other recommendations resulting from the study and/or what city staff has done to meet ADA requirements failed, by the following vote:

| | |
|----------|----------------------------------|
| Ayes : | Calhoun, Duncan, Westerlund |
| Noes : | Boyajian, Perea, Sterling, Dages |
| Absent : | None |

Mr. Hobbs recommended the word "affirm" be changed to "reaffirm" which would send a message of commitment to the disabled community and reaffirm that message to them and to the larger community adding Council was already on record with the city's existing legislation, which was accepted by the motion-makers.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-18 hereby adopted, as amended, to "*reaffirm*" the policy, by the following vote:

Ayes : Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None
 Abstain : Duncan

Councilmember Calhoun stated he hoped staff got the message about the way this was handled.

145-20

1/11/05

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. RAQUEL GUERRA V. COF
2. PATRIOT HOMES-FRESNO V. COF
3. COF V. GERALD GRUDZEN
4. BAKMAN WATER COMPANY ("BAKMAN") V. COF, ET AL

The City Council met in closed session in Room 2125 at the hour of 2:37 p.m. to consider the above issues and convened in regular open session at 4:03 p.m.

(2:30 P.M.) HEARING ON REZONE APPLICATION NO. R-04-72 AND ENVIRONMENTAL FINDINGS, FILED BY DAVID McMURRY, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. THOMAS AND N. WEBER AVENUES IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-04-72/C-04-125/T-5394, DATED OCTOBER 14, 2004, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE 2025 FRESNO GENERAL PLAN MASTER EIR

2. BILL NO B-4 - ORDINANCE NO. 2005-6 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1 TO R-2

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue as contained in the staff report as submitted and recommended approval.

Gary Vigen, Architect, representing the applicant, stated he concurred with staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling thanked staff and the developer on the project stating it could have been designated to be apartments -- and rightfully so -- as that would have met the R-2 and general plan requirements, stated to make this single-family was great as the neighborhood needed the stability, and made a motion to approve staff's recommendation. Mr. Vigen responded briefly to questions of Councilmember Boyajian relative to the price range of the homes and the developer was commended on the infill project.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding of E.A. No. R-04-72/T-5394/C-04-125, dated October 14, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-4 adopted as Ordinance No. 2005-6, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(2:45 P.M.) RESOLUTION NO. 2005-19 - IN SUPPORT OF THE UNITARIAN UNIVERSALIST CHURCH OF FRESNO'S PLAN TO BUILD A CHURCH USING GREEN POLICIES - COUNCILMEMBER PEREA

Councilmember Perea gave a brief overview of the issue, stated this project was near and dear to his heart due to his efforts to clean the valley's air, spoke briefly to his experience with the green technologies **(6 - 0)**, the city's solar project, and the upcoming green home demonstration project, and stated he hoped Council would lend their support to the project.

George Berman, Unitarian Universalist Church Project Manager and church member, spoke to and explained the project.

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Councilmembers Calhoun, Duncan and Westerlund all spoke in support of the project and thanked the church for their investment and leadership, and Mr. Berman responded briefly to questions relative to the time frame for the project and plans for the current church facility. Councilmember Perea added he was happy to see the green building initiative take root here and stated this was a good time for Fresno to take leadership along with the church.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-19 hereby adopted, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | None |
| Absent : | None |

(3:15 P.M.) PRESENTATION BY THE HISTORIC PRESERVATION COMMISSION OF THEIR FY 2003-2004 PUBLIC REPORT, "STATE OF HISTORIC PRESERVATION ANNUAL REPORT"

Historic Preservation Commission Chair Willey gave an overview of the report as submitted to Council.

Lengthy discussion ensued. Councilmember Calhoun thanked the commission, spoke briefly to the problem of vacant/boarded-up buildings, and stated he would submit names of those interested in serving on the commission to the Mayor and encouraged other council members to do the same. Councilmember Boyajian also spoke to the problem of vacant buildings, stated the commission needed to understand that sometimes blight was more important than preserving and promoting historic resources, stated designating something "historic" means the building will stay vacant for years and developers get very frustrated with their inability to improve neighborhoods, and spoke to the importance of stabilizing neighborhoods and stated the commission needed to work with Councilmembers and developers to determine, realistically, if a structure will be improved and elaborated. Councilmember Sterling thanked the commission and staff for the important work they do, stated she concurred with Councilmember Calhoun's and Boyajian's comments/concerns on vacant structures, and presented questions relative to the appropriateness of relocating historic buildings and a law firm's plan to expand and demolish two buildings, with Mr. Willey and City Attorney Montoy responding. Councilmember Duncan acknowledged the report was brief and brevity was helpful but stated, with all due respect, the report did not have "any meat on it" and it did not tell Council anything; clarified his comments were not directed at the commission but at the process; stated there were significant issues with historic preservation, he agreed with Councilmember Boyajian, and it also seemed to him that a lot of historic preservation efforts were nothing more than preserving blight; stated judging from the fact that virtually every action Council wants to take to redevelop an area seems to end up with a lawsuit or threat of a lawsuit tells him the process is failing on a regular basis and he wanted to see those serious issues addressed by the commission and make recommendations on how to rectify them; and stated he would not support any future designations until some of these issues are addressed adding a pro-active approach was needed and he was tired of seeing buildings downtown sit there and rot.

City Manager Hobbs spoke to the issue of commission vacancies, stated the Mayor's staff was working on filling the vacancies and trying to get the right combination of candidates with credentials, experience and a balanced perspective on the issues, and encouraged Councilmembers to forward nominations to Mayor Chief of Staff White.

Councilmember Boyajian spoke to a project on Wishon including the process and the property owner not being notified by staff of a hearing, and stated one can hide behind historic preservation but he, too, was not going to tolerate staff comments and activities and explained. Mr. Willey responded to various comments made **(7 - 0)**, no action was required, and there was no further discussion.

PUBLIC COMMENT - UNSCHEDULED COMMUNICATION:

APPEARANCE BY MARINA MAGDALENO, REPRESENTING LOCAL 39, EXPRESSING CONCERN WITH CONTRACT NEGOTIATIONS AND REJECTION OF UNION PROPOSALS, AND REQUEST TO COUNCIL FOR HELP IN REACHING AN EQUITABLE SOLUTION IN CONTRACT NEGOTIATIONS

Appearance made with Councilmember Calhoun and City Manager Hobbs responding to comments and concerns.

145-22

1/11/05

(5:00 P.M.) HEARING TO CONSIDER THE "EMERALD ESTATES" CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5342, FILED BY UNITED DEVELOPMENT GROUP, INC., PROPERTY LOCATED ON THE WEST SIDE OF S. FIRST STREET BETWEEN E. PLATT AND E. TULARE IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. T-5342

2. RESOLUTION NO. 2005-20 - APPROVING VESTING TENTATIVE TRACT MAP NO. 5342 PROPOSING THE CREATION OF A ONE COMMON LOT CONDOMINIUM MAP, AND THE CONVERSION OF THE "EMERALD ESTATES" MULTIPLE FAMILY APARTMENT COMPLEX INTO A CONDOMINIUM PROJECT

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an extensive overview of the issue, all as contained in the staff report as submitted.

Joe Guagliardo, representing United Development Group (UDG), spoke further to the issue and to the assistance the developer will make available/provide to the tenants.

Supervising Planner Haro advised staff planners Rodriguez and Paz were providing translation services to the tenants in the audience and noted the staff report was also provided to each tenant.

Councilmember Sterling thanked all present, summarized the issue and what was said relative to tenant assistance, and encouraged any tenant who needed assistance to contact her office and she and her staff would assist them through the adjustment period.

Speaking to the issue and/or expressing various concerns were: Jose Luis Barraza, Center for Independent Living; Marsha Simpson, 3035 E. Platt #B; and Interpreter/Planner Rodriguez translated questions and concerns of tenants Martha Leon, 3053 E. Platt #F, Maria Rodriguez, and Anna Marie Gomez, with Mr. Guagliardo responding to their questions throughout. President Dages noted the consensus was that the developer needed to take care of the tenants, brief discussion ensued, and further clarifications were made and questions answered by Mr. Haro and Mr. Guagliardo.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Boyajian spoke briefly to the issue, in support of the developer stating they have done tremendous work, and noted HUD protections were in place and stated his support. Councilmember Sterling thanked staff, the developer and his representative, added some people need a little help and thanked the developer for that, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the environmental finding of a Categorical Exemption for E.A. No. T-5342 issued December 9, 2004, hereby approved, and the above entitled Resolution No. 2005-20 approving the condominium conversion application and Vesting Tentative Tract Map No. 5342, subject to compliance with the Conditions of Approval dated December 15, 2004, hereby adopted, by the following vote:

| | |
|----------|---|
| Ayes : | Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages |
| Noes : | None |
| Absent : | None |

ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:04 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

APPROVED on the ____25th____day of January, 2005.

_____/s/_____
Mike Dages, Council President

ATTEST:_____/a/_____
Yolanda Salazar, Assistant City Clerk